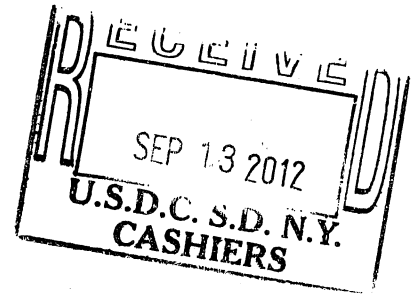


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JUDGE WOOD

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JOSEPH BALSAMO and
PETER CIANCARELLI,**

Plaintiffs,

_____-Civ-_____

v.

COMPLAINT

**FX NETWORKS LLC and
JEFF SCHAFFER,**

JURY TRIAL DEMANDED

Defendant.

Plaintiffs, Joseph Balsamo and Peter Ciancarelli ("Plaintiffs"), by their attorneys, Mango & Iacoviello, LLP, for their Complaint against Defendants FX Networks LLC ("FX") and Jeff Schaffer ("Schaffer"), allege as follows:

NATURE OF THE ACTION

1. This is a civil action for copyright infringement under the Copyright Act of 1976, 17 U.S.C. §101 *et seq.* ("Copyright Act"), arising from Defendants' deliberate, willful, and unauthorized copying, reproduction, distribution, broadcasting, performance and exploitation of a derivative work based upon Plaintiffs' original treatment entitled *The Commissioner*.

2. Defendant Schaffer is credited as a writer, director, and associate producer of the comedy television series entitled *The League*, which premiered on October 29, 2009. *The League* is produced and distributed by defendant FX, and just recently concluded its third season in December, 2011. Upon information and belief, *The League* is scheduled for a fourth season on FX.

3. The concept for *The League* is strikingly similar, and in some places identical, to *The Commissioner*. Given the numerous similarities between the works, it is evident that Defendants had access to and copied Plaintiffs' treatment for *The Commissioner*.

4. Defendants have infringed Plaintiffs' rights under the Copyright Act by creating, reproducing, manufacturing, distributing, broadcasting, and performing *The League*, an unauthorized derivative work based on Plaintiffs' original copyrighted treatment for *The Commissioner*. This infringement is ongoing, as recent reports have indicated that a fourth season of *The League* is in production.

5. Plaintiffs seek damages for copyright infringement and injunctive relief restraining Defendants from further infringing their copyright in *The Commissioner*.

JURISDICTION AND VENUE

6. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400. Defendants, at times pertinent to this action, did transact and continue to transact business within this District, and a substantial part of the events giving rise to Plaintiffs' claims also occurred in

this District. Moreover, upon information and belief, Defendants and/or their registered agents reside and/or may be found in this District.

8. Upon information and belief, Jeff Schaffer is an individual residing in Los Angeles, California.

9. Joseph Balsamo is an individual residing in Forest Hills, New York.

10. Peter Ciancarelli is an individual residing in West Babylon, New York.

11. Upon information and belief, FX Networks LLC is a limited liability company located at 10201 W. Pico Boulevard, Los Angeles, California with offices at 1211 Avenue of the Americas, New York, New York.

BACKGROUND FACTS

12. Plaintiffs are the authors of the original treatment entitled *The Commissioner* (the "Treatment"). The Treatment was duly filed with the Writers Guild of America, West, Inc. on December 6, 2006 (Registration Number: 1170784). A true and accurate copy of the Documentation of Registration is attached hereto as Exhibit A.

13. Plaintiffs are the exclusive owners of all rights, title and interest in the Treatment and have not assigned, licensed or otherwise transferred their copyright to any third-parties or dedicated their rights to the public.

14. From 2006 through 2009, Plaintiffs submitted the Treatment to numerous literary forums, including but not limited to www.TvWritersVault.com, where it was widely available for viewing and consideration by the television industry, including Defendants.

15. *The Commissioner* is a comedy series about a group of friends who form a fantasy football league and compete against each other in a comedic twist on the trials and tribulations of a fantasy football league.

16. On October 29, 2009, *The League* premiered on FX. *The League* is a comedy series about a group of friends who form a fantasy football league and compete against each other in a comedic twist on the trials and tribulations of a fantasy football league.

18. Protectable aspects of the concept, plot, characters, setting and dialogue of *The Commissioner* and *The League* are substantially similar and, in some cases, identical. A summary illustrating some of these similarities is set forth in the parallels chart below:

SIMILARITIES	THE COMMISSIONER	THE LEAGUE
1. A group of close friends play in a fantasy football league for many years. The friends take joy in offending and torturing one another.	A group of friends start their 10 th year in a fantasy football league. The friends are a “collection of oddballs” whose personalities and egos clash in reaching for their final goal of winning the league.	A group of friends start their 5 th year in a fantasy football league. The group of old friends love to hate each other and use every opportunity to make each other’s lives miserable.
2. Siblings are included in the fantasy football league.	3 groups of brothers play in the league together.	A pair of brothers play in the league together.
3. A reigning champion of the fantasy football league has won multiple times in a row.	Character Roberto Orlando has just won the championship for the 2 nd year in a row.	Character Pete has just won the championship for the 2 nd year in a row.
4. Both reigning champions have issues with their running back in week #3.	Roberto Orlando, the reigning champ, faces an issue when his running back gets injured in week 3 and he has to scramble to find a replacement.	Pete, the reigning champion, faces an issue in week 3 when his running back is injured and questionable to play and Pete is left scrambling to find out if his running back is playing or if he needs a replacement.
5. Arch rivals play each other in a playoff game for the right to go to	Dino plays his arch rival in a playoff game just before the championship and needs just 4	In Season 2 Episode 12, Kevin and Ruxin square off in a playoff game just before the

the championship game and the loser freaks out.	yards from his running back, who is taken out of the game denying his opportunity. Dino loses his mind.	championship. Kevin is losing by 1 point with a chance to kick a field goal to win, which just misses, hitting the post. Kevin loses his mind and runs outside freaking out.
6. Characters who are aspiring entertainers are referred to by their nicknames and go through life aloof without focusing on the fantasy football league.	“Bilbo” is an aspiring comedian who loves to party and in the season finale he makes it to the championship game but he doesn’t even realize it.	“Taco” is an aspiring singer who performs funny songs and music videos and doesn’t have a job. In the Season 1 finale Taco says he wants to win the trophy but doesn’t even realize that he didn’t make the playoffs .
7. Owners and the commissioner of the league engage in a dispute over a fair waiver wire process.	League members argue over the waiver wire process and accuse the league commissioner of cheating.	In Season 1, Episode 13 members of the league frantically try to use the waiver wire process. A dispute arises and Ruxin accuses Andre of cheating and they argue with the league commissioner to issue a fair ruling.
8. During the playoffs, the league members go to a bar to watch the games and tensions are high.	During the playoffs, the league members go to a bar to watch the games and tensions are high.	In Season 1, Episode 5, the league members go to a bar called “Spikes” to watch the playoffs. Tensions are high and a fight breaks out.
9. The fantasy football draft is held in Las Vegas.	The fantasy football draft is held in Las Vegas.	In Season 2, Episode 1, the season begins with the draft in Las Vegas.
10. The characters are so consumed with fantasy football that even the lure of beautiful dancers at a gentlemen’s club can’t pull them away.	In the episode “Trade Bait” the league members go to a gentlemen’s club where they anger the dancers because the characters are so caught up in their fantasy football and not paying attention to the girls.	In Season 2, Episode 1 the members go to a gentlemen’s club and one of the dancers gets angry because they are talking about fantasy football and not paying attention to the girls.

19. Given the numerous and striking similarities between the two works, there can be no dispute that Defendants Schaffer and/or FX had access to and copied protectable elements of the Treatment.

20. The natural, probable and foreseeable result of the Defendants' wrongful conduct has been and will be, *inter alia*, to deprive Plaintiffs of the benefits and goodwill associated with the development, production, performance, distribution, broadcasting, and exploitation of the Treatment and injury to Plaintiffs' relations with present and prospective television producers and networks seeking original treatments and series concepts. Plaintiffs have suffered irreparable damage as a consequence of their inability to market the Treatment to television producers and networks with interest in their work.

21. Upon information and belief, Plaintiffs have lost, and will continue to lose, substantial revenues from the production, distribution, performance, broadcasting, and exploitation of *The League*.

22. Unless enjoined by this Court, Defendants will continue their course of conduct by unlawfully reproducing, developing, promoting, distributing, broadcasting, and otherwise profiting from the Treatment, and works derived therefrom, through the creation, reproduction, promotion, distribution, broadcasting, and performance of *The League*.

23. Plaintiffs have no adequate remedy at law to redress the injuries that Defendants have caused, and continue to cause, through their conduct. Plaintiffs will continue to suffer irreparable injury unless this Court takes action.

FIRST COUNT
(Copyright Infringement)

24. Plaintiffs repeat and reallege each and every allegation contained in paragraph 1 to 24 of this Complaint as though fully set forth herein.

25. The Treatment is an original work of authorship registered with the Writers Guild of America, West, Inc.

26. At all relevant times, Plaintiffs have been the original and sole owners of all rights, title and interest in the Treatment and have not assigned, licensed or otherwise transferred their copyright to Defendants, third-parties or dedicated them to the public.

27. There is substantial similarity between *The League* and elements of the Treatment. Some aspects of *The League* are identical to protectable elements of the Treatment.

28. Defendants infringed, and continue to infringe, Plaintiffs' copyrights by copying, reproducing, distributing, marketing, broadcasting, and performing an unauthorized derivative work based on the Treatment. Upon information and belief, Defendants have earned substantial income as result of their authorship credit, production, sale and distribution of *The League*.

29. The aforesaid acts constitute infringement of Plaintiffs' copyright in violation of the Copyright Act.

30. Upon information and belief, one or more of the Defendants knowingly and willfully infringed Plaintiffs' copyrights in the Treatment.

31. Upon information and belief, unless enjoined by this Court, Defendants intend to continue their course of unlawful conduct through the production, distribution, broadcasting, and performance of *The League*, through additional seasons to be produced, distributed, broadcasted, and performed in the future.

32. The aforesaid acts by Defendants have caused, and unless enjoined by this Court, will continue to cause, irreparable damage, loss and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

33. As a result of Defendants' conduct, Plaintiffs have been damaged in an amount not yet determined or ascertainable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Joseph Balsamo and Peter Ciancarelli, demand judgment against Defendants, Jeff Schaffer and FX Networks LLC, as follows:

A. Declaring that Defendants have willfully infringed Plaintiffs' copyright in *The Commissioner*;

B. Enjoining Defendants, their officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, from creating, manufacturing, producing, publishing, displaying, broadcasting, performing, licensing, marketing, reproducing or otherwise exploiting any work that infringes upon Plaintiffs' copyright in *The Commissioner*, including, but not limited to *The League*;

C. Ordering Defendants, their officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them to: (i) return to Plaintiffs any and all originals, copies, facsimiles, or duplicates of *The Commissioner* in their possession, custody or control; (ii) recall from all distributors, wholesalers, jobbers, dealers, and retailers, and all others known to Defendants, any original, copies, facsimiles or duplicates of any works shown by the evidence to infringe any copyright in *The Commissioner* and (iii) impound during the pendency of this action, and destroy pursuant to judgment, all originals, copies, facsimiles or duplicates of any work shown by evidence to infringe any copyright in *The Commissioner*;

D. Ordering Defendants to file and serve within thirty (30) days after service of the Court's order as herein prayed, a written report under oath setting forth in detail the manner and form in which Defendants have complied with the Court's order;

E. Ordering Defendants account for all gains, profits, and advantages derived from their acts of infringement;

F. Ordering all gains, profits and advantages derived from Defendants' acts of infringement be held in constructive trust for the benefit of Plaintiffs;

G. Awarding Plaintiffs actual damages suffered and any profits attributable to the infringement of Plaintiffs' copyright;

H. Awarding Plaintiffs statutory damages;

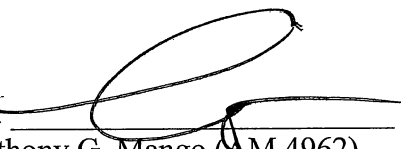
I. Awarding Plaintiffs attorney's fees, interest and costs; and

J. Awarding Plaintiffs such other and further relief as the Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiffs demands a trial by jury.

DATED: New York, New York
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